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NARCOTIC DRUGS (Part I)

Report of the Second (Social) Committee

1. The Second (Social) Committee considered the question of narcotic drugs (agenda item 10) at its 17th to meetings, on 17 to June 1991. It had before it the report of the Commission on Narcotic Drugs on its thirty-fourth session (E/1991/24) and the summary of the report of the International Narcotics Control Board for 1990 (E/1991/11).

2. At the 17th to 19th meetings, the Committee held a general discussion on the item. At the 17th meeting, on 17 June, the Committee heard an introductory statement by the Executive Director of the United Nations International Drug Control Programme. The President of the International Narcotics Control Board introduced the summary of the report of the Board for 1990.

3. At the 17th meeting, on 17 June, statements were made by the representatives of Jamaica, China and Czechoslovakia and by the observers for Luxembourg (on behalf of the States Members of the United Nations that are members of the European Community) and Colombia.

4. At the 18th meeting, on 18 June, statements were made by the representatives of Japan, Turkey, the United States of America, Mexico, Austria, the United Kingdom of Great Britain and Northern Ireland, Indonesia, Malaysia, the Syrian Arab Republic, Algeria, the Union of Soviet Socialist Republics and Argentina. A statement was made by the observer of Norway (on behalf of the Nordic countries). A statement was also made by the representative of the Food and Agriculture Organization of the United Nations.

5. At the 19th meeting, on 18 June, statements were made by the representatives of Peru, Trinidad and Tobago, Pakistan, Brazil, Yugoslavia,

Thailand, the Ukrainian Soviet Socialist Republic, Chile and the Bahamas. Statements were also made by the observers of Costa Rica, Myanmar, Venezuela, the Philippines, Bolivia and the Republic of Korea. The President of the International Narcotics Control Board made a statement. The Executive Director of the United Nations International Drug Control Programme made a statement and replied to questions raised during the discussion.

Recommendations contained in the report of the Commission on Narcotic Drugs

6. Chapter I of the report of the Commission on Narcotic Drugs on its thirty-fourth session (E/1991/24) contained 10 draft resolutions recommended for adoption by the Council. Programme budget implications of the proposals were set out in annexes I, II and III to the report.

Terms of reference of the Commission on Narcotic Drugs

7. At the 20th meeting, on 19 June, the Committee adopted draft resolution I, entitled "Terms of reference of the Commission on Narcotic Drugs" (see para. 23 below, draft resolution I).

Functioning of the Commission on Narcotic Drugs

8. At the 20th meeting, on 19 June, the Committee adopted draft resolution II, entitled "Functioning of the Commission on Narcotic Drugs" (see para. 23 below, draft resolution II).

Control of chemicals used in the production of cocaine, heroin and other illicit drugs

9. At the 20th meeting, on 19 June, the Committee adopted draft resolution IV, entitled, "Control of chemicals used in the production of cocaine, heroin and other illicit drugs" (see para. 23 below, draft resolution IV).

Establishment of regional drug law enforcement countermeasures in the Near and Middle East in the context of socio-economic and cultural development

10. At the 20th meeting, on 19 June, the Committee adopted draft resolution V, entitled, "Establishment of regional drug law enforcement countermeasures in the Near and Middle East in the context of socio-economic and cultural development" (see para. 23 below, draft resolution V).

Convening of a meeting at the ministerial level in the Near and Middle East to enhance the effectiveness of cooperation in resolving matters related to illicit trafficking and drug abuse

11. At the 20th meeting, on 19 June, the Committee adopted draft resolution VI, entitled, "Convening of a meeting at the ministerial level in

the Near and Middle East to enhance the effectiveness of cooperation in resolving matters related to illicit trafficking and drug abuse" (see para. 23 below, draft resolution VI).

Demand for and supply of opiates for medical and scientific needs

12. At the 20th meeting, on 19 June, the Committee adopted draft resolution VII, entitled, "Demand for and supply of opiates for medical and scientific needs" (see para. 23 below, draft resolution VII).

Prevention of diversion from international trade into illicit channels of psychotropic substances listed in Schedules III and IV of the Convention on Psychotropic Substances of 1971

13. At the 20th meeting, on 19 June, the Committee adopted draft resolution VIII, entitled, "Prevention of diversion from international trade into illicit channels of psychotropic substances listed in Schedules III and IV of the Convention on Psychotropic Substances of 1971" (see para. 23 below, draft resolution VIII).

Implementation of the International Drug Abuse Assessment System

14. At the 20th meeting, on 19 June, the Committee adopted draft resolution IX, entitled, "Implementation of the International Drug Abuse Assessment System" (see para. 23 below, draft resolution IX).

Demand reduction

15. At the 20th meeting, on 19 June, the Committee adopted draft resolution X, entitled, "Demand reduction" (see para. 23 below, draft resolution X).

Other proposals

United Nations International Drug Control Programme

16. At the 21st meeting, on 19 June, the observer from Colombia, on behalf of Algeria, Argentina, Austria, Bahamas, Chile, Colombia, 1/ Costa Rica, 1/ Cyprus, 1/ Denmark, 1/ Ecuador, Finland, France, Germany, Guatemala, 1/ Italy, Jamaica, Mexico, Morocco, Nicaragua, Norway, 1/ Paraguay, 1/ Peru, Spain, Sweden, Thailand, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, 1/ introduced a draft resolution (E/1991/C.2/L.17), entitled "United Nations International Drug Control Programme". Subsequently,

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1/ In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Belgium, 1/ Canada, China, Luxembourg, 1/ Malaysia, the Netherlands, the Philippines, 1/ Senegal 1/ and Uruguay 1/ joined in sponsoring the draft resolution.

17. At the same meeting, the observer from Colombia orally revised the draft resolution by deleting operative paragraph 4 and introducing a new third preambular paragraph, which read as follows:

> "Recalling that the General Assembly in resolution 45/179 requested the Secretary-General to ensure that the necessary human and financial resources from within the regular budget be made available to the United Nations International Drug Control Programme and to provide all the facilities required for the Programme to function effectively,".

18. At the same meeting, the Committee adopted the draft resolution, as orally revised (see para. 23 below, draft resolution X).

Administrative arrangements to ensure the full technical independence of the International Narcotics Control Board

19. At the 21st meeting, on 19 June, the representative of Mexico, on behalf of Australia, 1/ Austria, Bahamas, Bolivia, 1/ Canada, Chile, Colombia, 1/ Denmark, 1/ Ecuador, Finland, France, Germany, Guatemala, 1/ Indonesia, Italy, Jamaica, Malaysia, Mexico, Morocco, the Netherlands, Nicaragua, Norway, 1/ Peru, Sweden, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (E/1991/C.2/L.20), entitled "Administrative arrangements to ensure the full technical independence of the International Narcotics Control Board". Subsequently, Belgium, 1/ China, Iran (Islamic Republic of), Luxembourg, 1/ Senegal, 1/ Spain and Venezuela 1/ joined in sponsoring the draft resolution.

20. At the same meeting, the Committee adopted the draft resolution (see para. 23 below, draft resolution XII).

Draft amendments to draft resolution III, entitled "Enlargement of the Commission on Narcotic Drugs" recommended by the Commission on Narcotic Drugs to the Economic and Social Council

21. At the 21st meeting, on 19 June, the Observer of Ghana (on behalf of the States Members of the United Nations that are members of the Group of 77) introduced draft amendments to draft resolution III, entitled "Enlargement of the Commission on Narcotic Drugs", recommended by the Commission on Narcotic Drugs.

Summary of the report of the International Narcotics Control Board for 1990

22. At the 21st meeting, on 19 June, the Committee took note of the summary of the report of the International Narcotics Control Board for 1990 (E/1991/11) (see para. 24 below, draft decision I).

RECOMMENDATIONS OF THE SECOND (SOCIAL) COMMITTEE

23. The Second (Social) Committee recommends to the Economic and Social Council the adoption of the following draft resolutions:

[FOR THE TEXT OF DRAFT RESOLUTIONS I, II, IV-X, SEE THE REPORT OF THE COMMISSION ON NARCOTIC DRUGS (E/1991/24), CHAP. I]

DRAFT RESOLUTION XI

United Nations International Drug Control Programme

The Economic and Social Council,

Reaffirming that the new dimensions of illicit production, abuse and traffic in narcotic drugs and psychotropic substances in all regions of the world necessitates a more comprehensive and integrated approach to international drug control and an efficient structure in order to enable the United Nations to play a central and greatly enhanced role in that field,

Mindful of General Assembly resolution 45/179 of 21 December 1990, entitled "Enhancement of the United Nations structure for drug abuse control", in which the Secretary-General was requested to create a single drug control programme, to be called the United Nations International Drug Control Programme and to appoint a senior official who would execute the integration process and head the new Programme,

Recalling that the General Assembly in resolution 45/179 requested the Secretary-General to ensure that the necessary human and financial resources from within the regular budget be made available to the United Nations International Drug Control Programme and to provide all the facilities required for the Programme to function effectively,

Bearing in mind resolutions I (XXXIV), 2 (XXXIV) and 3 (XXXIV) adopted by the Commission on Narcotic Drugs at its thirty-fourth session in May 1991, concerning respectively the strengthening of the role of the United Nations International Drug Control Programme as the main focus for concerted international actions for drug abuse control, the development of proposals to address priority themes, and the provision of support to the Programme,

1. Welcomes the prompt appointment of a senior official, at the level of Under-Secretary-General, in the position of Executive Director of the United Nations International Drug Control Programme with the exclusive responsibility for coordination and providing effective leadership for all the United Nations drug control activities, in order t ensure coherence of actions within the Programme as well as coordination complementarity and non-duplication of such activities across the United Nations system;

2. Commends the Executive Director of the United Nations International Drug Control Programme for his ongoing efforts to fully integrate the structures and functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotic Control Board and the United Nations Fund for Drug Abuse Control into the new Programme;

3. Strongly urges all Governments to provide the fullest possible financial and political support to the United Nations International Drug Control Programme in order to enable the Programme to fulfil all its mandates and functions deriving from the Global Programme of Action, 2/ the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control as adopted by the International Conference against Drug Abuse and Illicit Trafficking 3/ and the international drug control treaties, particularly by increasing their extrabudgetary contributions to the United Nations International Drug Control Programme, with a view to expanding and strengthening its programmes for technical cooperation with developing countries;

4. Requests the specialized agencies and programmes of the United Nations system to take an active part in the international struggle against narcotic drugs and to fully coordinate their efforts with the United Nations International Drug Control Programme to enable the Executive Director of the Programme to fully exercise his exclusive responsibility for coordination and in providing effective leadership for all United Nations drug control activities, in compliance with paragraph 4 of General Assembly resolution 45/179;

5. Urges all intergovernmental organizations having specific competence in drug control matters to collaborate fully with the Executive Director of the United Nations International Drug Control Programme to ensure coordination, coherence of action, complementarity and non-duplication of activities with the Programme;

6. Requests the Executive Director to complete, as a matter of priority, the integration process of the United Nations International Drug Control Programme.

2/ S-17/2, annex.

3/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

DRAFT RESOLUTION XII

Administrative arrangements to ensure the full technical independence of the International Narcotics Control Board

The Economic and Social Council,

Noting the establishment, pursuant to General Assembly resolution 45/179 of 21 December 1990 on the enhancement of the United Nations structure for drug abuse control, of the United Nations International Drug Control Programme, as the single drug control programme into which the structures and functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control are to be fully integrated, with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug abuse control in keeping with the functions and mandates of the United Nations in this field,

Also noting that the General Assembly has invited the Secretary-General to structure the United Nations International Drug Control Programme along the following lines:

(a) Treaty implementation, which would integrate, with due consideration to treaty arrangements, the functions of the secretariat of the International Narcotics Control Board and the treaty implementation functions of the Division of Narcotic Drugs, taking into account the independent role of the Board;

(b) Policy implementation and research, with responsibility for implementing policy decisions of the relevant legislative bodies and conducting analytical work;

(c) Operational activities, with responsibility for coordinating and carrying out the technical cooperation projects currently being executed mainly by the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the secretariat of the International Narcotics Control Board,

Noting the appointment by the Secretary-General of an Executive Director of the United Nations International Drug Control Programme, who assumed his functions on 1 March 1991 and who will execute the integration process and head the new integrated Programme, with the exclusive responsibility for coordinating and providing effective leadership for all United Nations drug control activities, in order to ensure coherence of actions within the Programme as well as coordination, complementarity and non-duplication of such activities across the United Nations system,

Recognizing with appreciation the steps undertaken so far in the integration of the structures and functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control

Board and the United Nations Fund for Drug Abuse Control and in the organizational and managerial arrangements for the United Nations International Drug Control Programme,

Taking into account the provisions of article 9, paragraph 2, of the Single Convention on Narcotic Drugs of 1961, 4/ according to which the Economic and Social Council shall, in consultation with the International Narcotics Control Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions,

Considering the importance of such independence in view of the functions of the International Narcotics Control Board,

Recalling its resolution 1196 (XLI) of 16 May 1967, the administrative arrangements contained in the annex to that resolution, and its resolutions 1775 (LIV) of 18 May 1973 and 2017 (LXI) of 3 August 1976 by which those administrative arrangements were continued,

Convinced that revised administrative arrangements are necessary in the light of developments and that such arrangements will ensure the full technical independence of the International Narcotics Control Board to the full satisfaction of the international community,

Having considered the draft of the revised arrangements agreed upon by the Executive Director of the United Nations International Drug Control Programme and the International Narcotics Control Board,

1. Recognizes its obligations to ensure the full technical independence of the International Narcotics Control Board;

2. Approves the arrangements prepared on behalf of the Secretary-General by the Executive Director of the United Nations International Drug Control Programme in agreement with the International Narcotics Control Board and contained in the annex to the present resolution;

3. Requests the Executive Director to implement those arrangements, taking into account the character, powers and functions of the International Narcotics Control Board and the importance of its full technical independence in the performance of its tasks;

4. Requests the Executive Director to report to the Council through the Commission on Narcotic Drugs at its thirty-sixth session, in 1993, on the implementation of the present resolution.

4/ United Nations, Treaty Series, vol. 520, No. 7515.

Annex

ADMINISTRATIVE ARRANGEMENTS TO ENSURE THE FULL TECHNICAL INDEPENDENCE OF THE INTERNATIONAL NARCOTICS CONTROL BOARD (ARTICLE 9, PARAGRAPH 2, OF THE SINGLE CONVENTION ON NARCOTIC DRUGS OF 1961)

Secretariat services and other support

1. The International Narcotics Control Board ("the Board") shall be provided with secretariat services by the United Nations International Drug Control Programme ("UNDCP").

2. The Secretary of the Board shall be appointed or assigned by the Secretary-General in consultation with the Board. Taking into account, as appropriate, the specific functions, structure and expertise of the former separate secretariat of the Board, the Executive Director of UNDCP ("Executive Director") shall assign staff to assist and support the Board in the exercise of its powers and the performance of its functions, pursuant to, and in accordance with:

(a) The Single Convention on Narcotic Drugs of 1961, and that Convention, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 ("1961 Convention");

(b) The Convention on Psychotropic Substances, 1971;

(c) The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,

(collectively referred to as "the Conventions").

3. In assisting and supporting the Board in the discharge of its functions, the Secretary of the Board and staff mentioned in paragraph 2 (whether in a Board secretariat or elsewhere in UNDCP) shall be under the direction of:

(a) The Board, in all substantive matters relating to the exercise of powers and the performance of functions of the Board pursuant to the Conventions;

(b) The Executive Director, to whom they are responsible, in other matters.

Budget

4. Adequate financial, staff and other resources shall be made available to the Board to enable it to discharge its functions effectively.

5. The regular budget estimates of the Board shall be prepared by the Secretary of the Board, in cooperation with the competent unit of UNDCP. The budget estimates shall be reviewed by the Board before they are transmitted to the Executive Director.

6. All expenses of the Board shall be identified separately in the section of the programme budget relating to international drug control, in particular travel of the members of the Board, remuneration (article 10, paragraph 6, 1961 Convention) and other allowances paid to them (e.g., per diem).

7. Pursuant to paragraph 12 of General Assembly resolution 45/179 of 21 December 1990, the appropriation within the regular budget of the United Nations currently allocated to the secretariat of the International Narcotics Control Board shall be reallocated to UNDCP in accordance with the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation.

Communications

8. In the exercise of its powers and the performance of its functions under the Conventions, the Board shall have the right to communicate directly with Governments and other entities pursuant to the relevant provisions of the Conventions. These communications shall not be subject to any control as regards substance, form or otherwise which is likely to hinder the Board in the exercise of its powers or the performance of its functions under the Conventions.

Storage and management of records

9. All documents and records of the Board shall be kept and maintained by UNDCP.

10. The Executive Director shall take such administrative measures as may be necessary to protect confidential material in documents and records of the Board in the possession of UNDCP from unauthorized disclosure by UNDCP or any member of its staff.

11. Confidential material in records and documents of the Board shall not be disclosed by UNDCP or any member of the staff of UNDCP to any person other than a member of the Board without the authorization of the Board.

Representation

12. The Board shall have the right to be represented as "INCB" at meetings of the Commission on Narcotic Drugs, as well as at meetings of the Economic and Social Council, United Nations organs and specialized agencies at which matters of importance to the Board in the exercise of its functions under the Conventions are to be considered.

13. The Board may also be represented as such at other meetings organized or held under the auspices of the United Nations, specialized agencies and other organizations at which matters of importance to the Board in the exercise of its functions under the Conventions are to be considered.

Dates of meetings

14. In making arrangements for the meetings of the Board, the Executive Director shall give due consideration to the fact that the timing of the Board's actions often depends on relevant treaty provisions.

15. Each of the two regular meetings of the Board shall be convened at approximately the same time each year.

Publicity

16. The Executive Director shall make the arrangements necessary for assuring to the Board the publicity desired for its work.

Duration

17. The arrangements outlined above shall be in force from 1 July 1991. If necessary, proposals for new or revised arrangements shall, in consultation with the Board and in accordance with article 9, paragraph 2, of the 1961 Convention, be submitted to the Council.

Action by the General Assembly

18. The Secretary-General will take such measures as may be required to request the General Assembly to implement the following provisions of the 1961 Convention:

(a) Article 6 (assessment of contributions, by the Parties to the 1961 Convention which are not members of the United Nations, to the expenses of the Board);

(b) Article 10, paragraph 6 (adequate remuneration of the members of the Board).

24. The Second (Social) Committee also recommends to the Economic and Social Council the adoption of the following draft decision:

DRAFT DECISION I

The Economic and Social Council took note of the summary of the report of the International Narcotics Control Board for 1990. 5/

5/ E/1990/11.